

**AGRICULTURE AND AGRI-FOOD ADMINISTRATIVE  
MONETARY PENALTIES ACT**

**DECISION**

In the matter of an application for a review of the facts of a violation of section 40 of the *Health of Animals Regulations*, alleged by the Respondent, and requested by the Applicant pursuant to paragraph 9(2)(c) of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*.

**Mr. Evgeniy Sukhikh, Applicant**

**- and -**

**Canadian Food Inspection Agency, Respondent**

**CHAIRMAN BARTON**

**Decision**

**Following a review of the submissions of the parties including the report of the Respondent, the Tribunal, by order, determines the Applicant committed the violation and is liable for payment to the Respondent of the penalty in the amount of \$200.00 within 30 days after the day on which this decision is served.**

**REASONS**

The Applicant did not request an oral hearing.

The Notice of Violation dated November 4, 2000, alleges that the Applicant, at 17:00 hours on the 4<sup>th</sup> day of November, 2000, at Dorval, in the Province of Quebec, committed a violation, namely: *“Import an animal by-product, to wit: meat, without meeting the prescribed requirements”*, contrary to section 40 of the *Health of Animals Regulations* which states:

40. No person shall import into Canada an animal by-product, manure or a thing containing an animal by-product or manure except in accordance with this Part.

In general, *Part IV* of the *Health of Animals Regulations* permits importation into Canada from the United States, of most of these items, if the country of origin is the United States. If the country of origin is other than the United States, there are various specific requirements for the importer to meet before importation of such items is allowed. In this case, it is clear from the evidence that the country of origin was the Ukraine, and that the Applicant was unaware of the specific requirements of the *Regulations*.

The report of the Respondent indicates, that, on inspection, a sausage - type meat product “*salami*” was found in the suitcase belonging to the Applicant. The Applicant did not deny this, but thought that “*meat*” only included raw meat, such as steaks, chicken, pork, etc.

Unfortunately for the Applicant, however well intentioned, salami is “*meat*”, which is an animal by-product, and which the Applicant admits importing contrary to the *Regulations*.

Dated at Ottawa this 6<sup>th</sup> day of December, 2000.

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Thomas S. Barton, Q.C., Chairman